

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

THE ESTATE OF ERIK A. POWELL,)	CIVIL NO. CV04-00428 LEK
THROUGH PERSONAL)	
REPRESENTATIVE MARY K.)	DECLARATION OF EMILY
POWELL; THE ESTATE OF)	KAWASHIMA WATERS
JAMES D. LAUGHLIN, THROUGH)	
PERSONAL REPRESENTATIVE)	
RAGINAE C. LAUGHLIN; MARY K.)	
POWELL, INDIVIDUALLY;)	
RAGINAE C. LAUGHLIN,)	
INDIVIDUALLY; CHLOE)	
LAUGHLIN, A MINOR, THROUGH)	
HER NEXT FRIEND, RAGINAE C.)	
LAUGHLIN,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
CITY AND COUNTY OF)	
HONOLULU,)	
)	
Defendant.)	
)	
and)	
)	
CITY AND COUNTY OF)	
HONOLULU,)	
)	
Third-Party Plaintiff,)	
)	
vs.)	
)	
UNIVERSITY OF HAWAII, a body)	
corporate; JOHN DOES 1-10, JANE)	

DOES 1-10, DOE CORPORATIONS)
and DOE ENTITIES,)
)
)
)
)
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)

DECLARATION OF EMILY KAWASHIMA WATERS

1. I am an attorney licensed to practice law before all Courts in the State of Hawai`i and I am one of the attorneys for Plaintiffs herein.

2. Attached hereto as Exhibit “1” is a true and correct copy of the July 6, 2002 Star Bulletin article entitled “A Drowning Season.”

3. Attached hereto as Exhibits “2”, “4”, and “27” are true and correct copies of excerpts from the Deposition of James Howe, taken on October 16, 2006.

4. Attached hereto as Exhibits “3”, “11”, “22”, and “32” are true and correct copies of excerpts from the Deposition of Ronald Bregman, taken on March 6, 2006.

5. Attached hereto as Exhibit “5”, “6”, “7”, “8”, and “9” are true and correct copies of excerpts from the Deposition of Mary K. Powell, taken on April 28, 2005.

6. Attached hereto as Exhibit “10”, “12”, “13”, “16”, “17”, “19”, “24”, “25”, and “26” are true and correct copies of excerpts from the Deposition of Daniel Neves, taken on March 24, 2006.

7. Attached hereto as Exhibits “14”, “15”, “18”, “23”, and “31” are true and correct copies of excerpts from the Deposition of Clarence Moses, taken on March 17, 2006.

8. Attached hereto as Exhibit “20” is a true and correct copy of the report of Park Attendant Jeff Kim, dated July 19, 2002.

9. Attached hereto as Exhibit “21” is a true and correct copy of the death certificates of Erik A. Powell and James David Laughlin.

10. Attached hereto as Exhibits “28”, “29”, “30” are true and correct copies of excerpts from the Deposition of Ralph S. Goto, taken on October 11, 2006.

11. Attached hereto as Exhibit “34” are true and correct copies of excerpts from the Deposition of Robert Dorr, taken on March 17, 2006.

12. Attached hereto as Exhibit “37” is a true and correct copy of an excerpt from Defendant City and County of Honolulu’s Response to Plaintiffs’ Second Request for Answers to Interrogatories to Defendant City and County of Honolulu Dated April 4, 2006.

13. Attached hereto as Exhibit “38” is a true and correct copy of an excerpt from Defendant City and County of Honolulu’s First Supplemental Response to Plaintiffs’ First Request for Production of Documents to Defendant City and County of Honolulu Dated December 21, 2004.

DATED: Honolulu, Hawai`i, January 18, 2007.

/s/ Emily Kawashima Waters
EMILY KAWASHIMA WATERS